

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|--------------------------|---|----------------------------|
| Glenn Ford, |) | C/A No.: 1:16-1534-RMG-SVH |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| Warden of FCI-Edgefield, |) | |
| |) | |
| Respondent. |) | |
| |) | |
| |) | |

Petitioner, proceeding pro se, brought this action requesting a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Respondent filed a motion to dismiss, or in the alternative, for summary judgment on July 5, 2016. [ECF No. 10]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion and of the need for him to file an adequate response by August 8, 2016. [ECF No. 11]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner failed to respond to the motion.

On August 11, 2016, the court ordered Petitioner to advise by August 25, 2016, whether he wished to continue with the case. [ECF No. 13]. Petitioner filed no response. On August 26, 2016, the undersigned issued a report and recommendation recommending the petition be dismissed for failure to prosecute. [ECF No. 15]. On September 19, 2016, Petitioner filed a motion to reconsider, which the court characterized as objections to the

report. [ECF No. 18]. In his objections, Petitioner claimed that he never received any mail from the court other than the undersigned's report. *Id.* at 2. On September 22, 2016, the Honorable Richard M. Gergel, United States District Judge, declined to adopt the report, recommitted this matter to the undersigned, and ordered Plaintiff to file a response to Respondent's motion by October 26, 2016. [ECF No. 19].

Petitioner has failed to file a response to Respondent's motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, the undersigned orders Petitioner to advise the court as to whether he wishes to continue with this case and to file a response to Respondent's motion to dismiss, or in the alternative, for summary judgment by December 5, 2016. Petitioner is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



November 21, 2016
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge